



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 31, 1994

Ms. Roberta Lloyd Fremaux
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR94-225

Dear Ms. Fremaux:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).¹ Your request was assigned ID# 21402.

A Harris County Constable (the "county") received a request under the Texas Open Records Act for disclosure of the identity of the person who filed a complaint against a constable's office employee. The county claims that this information is excepted from disclosure by section 552.108 of the Government Code, the "law-enforcement exception". The county has not submitted the requested documents for review nor identified the complainant in its request.

The names and identities of persons who make complaints against law enforcement officers are generally not protected under section 552.108. Open Records Decision Nos. 350, 342, 329, 315 (1982); 208 (1978). A governmental body must show how the release of requested information would unduly interfere with law enforcement to withhold it under section 552.108. Open Records Decision No. 518 (1989). The identity of a complainant may be withheld under section 552.108 if

from an examination of the facts of the particular case that disclosure might either subject the witnesses to possible intimidation or harassment [*sic*] or harm the prospects of future cooperation between witnesses and law enforcement officers.

¹The Seventy-third Legislature has repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

Open Records Decision No. 252 (1980) at 4. You have not explained why the facts of the particular case at issue would subject the alleged witness(es) to possible future intimidation or harassment. Accordingly, the information must be released in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Loretta R. DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Government Section

JCH/LRD/rho

Ref.: ID# 21402

cc: Mr. Hugh L. McKenney
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